**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF NORTH DAKOTA**
**NORTHWESTERN DIVISION**

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|---|---|---|
| United States of America, | ) | |
| | ) | |
| Plaintiff, | ) | **ORDER RE WAIVER OF PRELIMINARY HEARING AND DETENTION** |
| | ) | |
| vs. | ) | |
| | ) | |
| Jose Angel Villalobos-Rodriguez, | ) | |
| | ) | Case No. M4-05-062 |
| Defendant. | ) | |
| | ) | |

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A detention hearing and identity hearing were held on November 21, 2005, in Bismarck. AUSA Scott Schneider appeared on behalf of the government. Attorney William Schmidt appeared on the defendant's behalf. The defendant is charged in a petition for revocation of supervised release filed in the Southern District of California.

At the outset of the hearings, the defendant advised the court that he wished to waive his right to an identity hearing and detention hearing. Given the defendant's answers to the court's queries, the court finds that the defendant's waiver of his right to an identity hearing and to a detention hearing was made knowingly, intelligently, and with the advise of counsel.

Accordingly, the court **GRANTS** the Government's Motion to Detain and **ORDERS** that the defendant is to be detained pending transfer to the Southern District of California.

Dated this 22nd day of November, 2005.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge